

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Bank One NA v Estate of Marjorie Jenkins**  
Docket No. **259669**  
L.C. No. **03-000791-CH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The claim of appeal filed December 10, 2004, is DISMISSED for lack of jurisdiction because appellant failed to file the claim within 21 days of the September 30, 2004 postjudgment order as required by MCR 7.204(A)(1)(b). It was the August 2, 2004 default judgment that was the MCR 7.202(6)(a)(i) final order. Therefore, the October 14, 2004 motion for reconsideration could not extend further the time period for filing a claim of appeal because it was not filed within 21 days of August 2, 2004, as is required by MCR 7.204(A)(1)(b). See *Allied Electric v Tenaglia*, 461 Mich 285 (1999). As a result, appellant may only challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 5 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk